

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

DEMBA DIAKITE,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 2/9/2024

20-CR-0473-6 (VM)

ORDER

Victor Marrero, District Judge:

On February 10, 2023, the defendant was sentenced principally to a term of imprisonment of 27 months.

The Probation Department determined that the defendant appeared to be eligible for an adjustment of his sentencing guidelines range based on Amendment 821 to the Sentencing Guidelines.

On November 17, 2023, the defendant moved for a reduction of sentence. On January 20, 2024, the Government responded and did not oppose such motion. The parties agree that the defendant is eligible for a sentence reduction under Amendment 821, and that his Guidelines range would now be 24 to 30 months, based on an offense level of 16 and a criminal history category of II. The parties note that, when the defendant was sentenced in February 2023, the Sentencing Guidelines provided for the addition of two points to the defendant's criminal history score because the instant offense was committed while under probation supervision. Amendment 821 to the Sentencing Guidelines eliminates such two-point addition, with retroactive effect.

The Court finds that the defendant is eligible for a sentence reduction and adopts the above calculations as to the defendant's Guidelines range.

Having considered the record in this case and the parties' arguments, it is hereby

ORDERED that the defendant's term of imprisonment is reduced to 24 months' imprisonment. All other components of the sentence remain as originally imposed.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'VM', is positioned above a horizontal line.

Victor Marrero
United States District Judge

Dated: February 9, 2024
New York, New York